

A-Engrossed
Senate Bill 264

Ordered by the Senate April 24
Including Senate Amendments dated April 24

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Water Resources Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes Water Resources [*Director*] **Department** to participate in activities related to joint management entity for carrying out Upper Klamath Basin Comprehensive Agreement.

[Allows director to request that circuit court sever one or more determined Klamath River Basin tribal water rights claims from other claims to water in Klamath River Basin and enter judgment on severed claims. Allows court to enter general judgment on severed claims that affirms or modifies determination by director.]

[Allows court to condition general judgment regarding Klamath River Basin off-reservation claims resolved under comprehensive agreement or subsequently resolved, or regarding claims of nonparty filing exception. Provides grounds for entry of supplemental judgment. Provides for vacation of conditional general judgment if condition is not met. Allows court to adjudicate claims or return claims to director for fact-finding and determination following vacation of conditional general judgment.]

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to matters governed under the Upper Klamath Basin Comprehensive Agreement; and de-
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) As used in this section:**

6 (a) "Joint management entity" means the entity that is:

7 (A) Composed of the landowner entity, the Klamath Tribes, the United States and the
8 State of Oregon; and

9 (B) Responsible for overseeing the implementation of the settlement agreement.

10 (b) "Landowner entity" means the entity formed by eligible landowners as provided in
11 section 8 of the settlement agreement.

12 (c) "Settlement agreement" means the Upper Klamath Basin Comprehensive Agreement
13 dated April 18, 2014.

14 (2) The Water Resources Department may participate in activities related to the joint
15 management entity that are consistent with the terms of the settlement agreement. The
16 activities may include, but need not be limited to:

17 (a) Providing assistance in the formation of an Oregon tax-exempt nonprofit corporation
18 to function as the joint management entity for the settlement agreement;

19 (b) Drafting and giving approval of the articles of incorporation and bylaws of the cor-
20 poration;

21 (c) Participating as a voting member of the board of directors for the corporation; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(d) Participating as a member of the technical team for the corporation.**

2 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
4 **on its passage.**

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